

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:02CR209
Plaintiff,	)	
	)	
v.	)	USM No: 17929-047
	)	
DEMETRIUS SMITH	)	<u>SHANNON O'CONNOR</u>
Defendant.	)	Defendant's Attorney

Date of previous judgment: 8/18/05

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 96 months is reduced to 77 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: <u>35</u>	Amended Offense Level: <u>33</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>235</u> to <u>293</u> months	Amended Guideline Range: <u>188</u> to <u>235</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

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The reduced sentence is within the amended guideline range.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain): :Pursuant to stipulation by parties, fiilng #66.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated August 18, 2005 shall remain in effect.

**IT IS SO ORDERED.**

Dated this 23<sup>rd</sup> day of April, 2008

Effective Date: April 23, 2008

s/ Joseph F. Bataillon  
Chief United States District Judge